



IN REPLY REFER TO:

AFES/MMM

## United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503-6199



JUN 11 2014

Ms. Christina May  
BPXA Wildlife Compliance Authority  
BP Exploration (Alaska), Inc.  
900 East Benson Boulevard  
P.O. Box 196612  
Anchorage, Alaska 99519-6612

Dear Ms. May:

This responds to your March 17, 2014, request for Letters of Authorizations (LOAs) for the incidental take of polar bears and Pacific walrus and the intentional take of polar bears in regards to the BP Exploration (Alaska), Inc. (BPXA) 2014 North Prudhoe Seismic Survey in the Beaufort Sea.

In response, and in accordance with regulations listed at 76 FR 47010, dated August 3, 2011, enclosed is LOA 14-10 that will allow BPXA to take small numbers of polar bears and Pacific walrus incidental to oil and gas industry activities at the location identified in your LOA request. In addition, Intentional Take Authorization, LOA 14-INT-06, as authorized under sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA), is also enclosed for activities in association with the 2014 North Prudhoe Seismic Survey in the Beaufort Sea.

BPXA proposes to conduct a three-dimensional (3D) ocean bottom sensor (OBS) seismic survey with a transition zone component on state and private lands, and federal and state waters in the Prudhoe Bay area of the Beaufort Sea during the open-water season of 2014. The project area lies mainly within the Prudhoe Bay Unit (PBU) but includes portions of the Northstar, Dewline, and Duck Island Units as and non-unit areas. A full description of activities can be found in your request for letters of authorization dated March 17, 2014. The proposed start date for this project is early July 2014, with operations completed by the end of August 2014. All provisions contained within BPXA's *"Request for Letters of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(S) and Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA) for Incidental Take of Polar Bears and the Pacific Walrus and Take by*

*Harassment (Deterrent Activities) of Polar Bears during 2014 North Prudhoe CBS Seismic Survey.*” are incorporated by reference into this LOA.

BPXA personnel may limit encounters of polar bears by being observant of approaching animals (i.e., the use of polar bear guards) and where practicable, by allowing the animals to pass unhindered. BPXA will also: 1) provide copies of the polar bear observation form to all contractors operating under the LOA; 2) report any polar bear sightings, or signs of polar bears, such as tracks or excavations, to this office by phone or using the polar bear observation report; and, 3) report any possible den locations that are found during work activities immediately to our office.

If a polar bear interaction escalates into a life threatening situation, section 101(c) of the MMPA allows, without specific authorization, the take (including lethal take) of a polar bear if such taking is imminently necessary for self-defense or to save the life of a person in immediate danger, and such taking is reported to the Service within 24 hours.

An additional requirement of this LOA is for BPXA to provide observational data of polar bears and Pacific walruses throughout the project and a complete report of all observations at the conclusion of the project to document take. This final report must be provided to the Marine Mammals Management Office within 90 days after completion of the project.

Polar bear conservation has benefited from monitoring programs associated with the Incidental Take program since 1993. Monitoring serves to assess the effect of industrial activities on polar bears by evaluating bear encounter rates, take frequency, as well as the location and timing of encounters. If questions or concerns arise during the project period, Service biologists are available for consultation at the phone numbers listed below and noted in your Interaction Plan (*ATTACHMENT II, Polar Bear Interaction and Mitigation Plan for North Prudhoe OBS Seismic Survey*).

If any changes develop in your project, such as activities or location, the Marine Mammals Management Office (MMM) must be notified prior to the planned operation. This will allow us to evaluate the activity and, if appropriate, amend the appropriate LOA(s).

The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), and has determined that the issuance of these LOAs is not likely to jeopardize the continuing existence of polar bears. No additional authorization under the ESA is required.

Ms. Christina May

3

If you have any further questions, please contact Mr. Craig Perham or Mr. Christopher Putnam of our Marine Mammals Management Office, at (907) 786-3810 or (907) 786-3844, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Putnam", with a horizontal line extending to the right.

Acting Chief, Marine Mammals Management

Enclosure

cc: Ms. Susan Banet, Bureau of Ocean Energy Management (via e-mail)  
Mr. Richard Shideler, Alaska Department of Fish and Game (via e-mail)  
Fairbanks Fish and Wildlife Field Office  
Office of Law Enforcement  
North Slope Borough Department of Law (via e-mail)



IN REPLY REFER TO:

AFES/MMM

# United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503-6199



## U.S. Fish and Wildlife Service

### LETTER OF AUTHORIZATION (14-10)

ISSUED: June 15, 2014  
EXPIRES: October 31, 2014

BP Exploration (Alaska), Inc. (BPXA) is hereby authorized to take small numbers of polar bears and Pacific walruses (walruses) incidental to activities occurring during BPXA's 2014 North Prudhoe Seismic Survey in the Beaufort Sea. BPXA proposes to conduct a three-dimensional (3D) ocean bottom sensor (OBS) seismic survey with a transition zone component on state and private lands, and federal and state waters in the Prudhoe Bay area of the Beaufort Sea during the open-water season of 2014. The project area lies mainly within the Prudhoe Bay Unit (PBU) but includes portions of the Northstar, Dewline, and Duck Island Units as and non-unit areas. A full description of activities can be found in your request for letters of authorization dated March 17, 2014. The proposed start date for this project is early July 2014, with operations completed by the end of August 2014.

This U.S. Fish & Wildlife Service (Service) authorization and the required conditions below apply to all employees, contractors, and personnel performing BPXA-approved work under the scope of operations to be conducted. This authorization stipulates the following conditions:

1. BPXA operations managers, or designates, must be fully aware, understand, and be capable of implementing the conditions of this authorization.
2. Intentional take of polar bears and walruses is prohibited under this authorization.
3. The BPXA "*Polar Bear Interaction Plan for the Operating Units – Revision Date: September 26, 2011*" and "*ATTACHMENT II, Polar Bear (and Walrus) Interaction and Mitigation Plan for North Prudhoe OBS Seismic Survey*" are approved and all

interaction, mitigation measures, and provisions must be complied with unless specifically noted otherwise in this LOA.

4. A copy of this LOA and the approved interaction, mitigation measures, and avoidance plans listed above must be posted and available for all personnel and in the possession of the operators of all vessels and aircraft engaging in the activities approved under the authority of this LOA.
5. This authorization is valid only for those activities and locations identified in the request for a Letter of Authorization dated March 17, 2014, for the Beaufort Sea and described in the *“Request for Letters of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(S) and Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection Act (MMPA) for Incidental Take of Polar Bears and the Pacific Walrus and Take by Harassment (Deterrent Activities) of Polar Bears during 2014 North Prudhoe CBS Seismic Survey.”*
6. Polar bear and walrus monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR Section 18.128 and must comply with the following monitoring, mitigation, and reporting requirements:
  - a. BPXA must cooperate with the Service, and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears and walruses.
  - b. If any changes develop in the project during the period approved under this LOA, such as activities, location or methods, notify the Service, Marine Mammals Management Office (MMM) prior to the implementation of such changes.
  - c. Avoid concentrations or groups of walruses and individuals or groups of polar bears hauled out onto land or ice by all vessels under the management of BPXA. Operators of vessels should, at all times, conduct their activities at the maximum distance possible from known or observed concentrations of marine mammals. Under no circumstances, other than an emergency, should vessels operate within 800 meters (0.5 mile) of walruses or polar bears observed on land or ice.
  - d. Take every precaution to avoid encroachment upon or harassment of walruses or polar bears in water when a vessel is operated near these animals. Maintain an 800 meter (0.5 mile) distance, when practicable. Vessels must reduce speed and steer around walruses or polar bears observed in water when able to do so. Vessels may not be operated in such a way as to separate members of a group of walruses or polar bears from other members of the group. Vessels will avoid multiple changes in direction and speed when walruses or polar bears are present.
  - e. Power-down procedures will be initiated if any walruses are observed on ice in the walrus disturbance zone of  $\geq 180$  dB to limit impact to walruses in the water associated with the walruses on the ice.

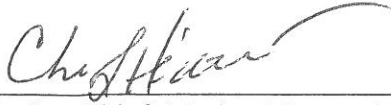


- f. Restricting or affecting walrus or polar bear movements, by any means, in sea, on land or on ice, is prohibited. Separation distances will be enforced until animals have left the area of their own volition.
- g. BPXA must designate a qualified individual or individuals as Marine Mammal Observers (MMO) to observe, record, and report the effects of project activities on polar bears and walruses to the Service, MMM within 24 hours of visual observation. All evidence of polar bears and walruses, such as tracks, carcasses, or haul out sites, if applicable, will also be reported.
- h. For each walrus and polar bear sighting, an MMO or designated crew member will record at least the following:
  - i. a unique sighting identification number; LOA number
  - ii. MMO's name and contact information (phone, email, etc.), company name, and vessel name;
  - iii. time, location (with latitude, longitude, and datum), heading, speed, activity, and identity of the observation vessel;
  - iv. action taken by vessel operator in response to sighting (describe);
  - v. for all other vessels visible within five km (approximately three miles) of the observation vessel, when polar bears or walruses are sighted, record the, identification, bearing, distance, heading, speed and activity of the other vessel(s);
  - vi. species (polar bear or walrus);
  - vii. group size (approximate number of individuals);
  - viii. age/size/sex categories (if determinable);
  - ix. behavior or activity of animals sighted (describe);
  - x. reaction of animal(s) to any vessel(s) (describe);
  - xi. substrate (water, ice, and/or land),
  - xii. heading (if determinable), bearing and distance from vessel of animal(s);
  - xiii. sighting cue (what caught MMOs attention);
  - xiv. environmental conditions including:
    - weather;
    - air temperature;
    - visibility, provide: 1) distance (km, mi, or nm), 2) light/dark/twilight and 3) glare (none, little, moderate, severe);
    - water depth (meters, feet or fathoms);
    - sea state (Beaufort scale);
    - ice condition, provide: 1) estimated % ice cover in vicinity of sighting (10% increments), 2) estimated distance to pack ice (km, mi, or nm);
  - xv. estimated range (m, km, mi, or nm) at first sighting, estimated range (m, km, mi, or nm) at closest approach;
  - xvi. MMO comments or notes.

7. Any incidental lethal take or injury of a polar bears or walruses must be reported to the Service, MMM immediately.
8. At the discretion of the Service, BPXA must allow the Service to place an observer on site, including any facilities, vessels, aircraft or vehicles, to monitor the impacts of the activity on marine mammals, when requested.
9. BPXA must submit an annual monitoring report to the Service, MMM as required under 50 CFR 18.128(f), a draft of which will be received by MMM no later than 90 days after completion of the project. The report will describe in detail:
  - a. The operations that were conducted;
  - b. The methods, results, and interpretation pertaining to all monitoring tasks;
  - c. The results of the 2014 shipboard marine mammal monitoring;
  - d. Marine mammal sightings (species, numbers, dates, times and locations, age/size/gender, environmental correlates, activities, associated survey activities);
  - e. Estimates of the amount and type of potential take (exposure) of walruses and polar bears (by species) to project activities;
  - f. An analysis of the effects of operations (e.g., on sighting rates, sighting distances, behaviors, movement patterns of walruses and polar bears);
  - g. An analysis of factors influencing detectability of walruses and polar bears during project operations;
  - h. Summaries of communications with hunters and potential effects on subsistence uses.
10. The draft report will be subject to review and comment by the Service. Any recommendations made by the Service must be addressed in the final report prior to acceptance by the Service. The draft report will be considered the final report for this activity under this LOA if the Service has not provided comments and recommendations within 90 days of receipt of the report.
11. Activities related to the monitoring described in this LOA do not require a separate scientific research permit issued under Section 104 of the Marine Mammal Protection Act.
12. A copy of this LOA and the Service-approved Polar Bear Interaction Plan must be in the possession of the operator of all vessels and aircraft engaging in the activity operating under the authority of this LOA.

The Service has completed intra-Service consultation under the Endangered Species Act of 1973, as amended (ESA), and has determined that the issuance of these LOAs is not likely to jeopardize the continuing existence of polar bears. No additional authorization under the ESA is required.

This Letter of Authorization is valid for the period indicated on this authorization, unless extended or terminated in writing by the U.S. Fish and Wildlife Service, Marine Mammals Management Office.



---

Acting Chief, Marine Mammals Management

JUN 11 2014

---

Date





IN REPLY REFER TO:

AFES/MMM

# United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503-6199



## U.S. Fish and Wildlife Service

### LETTER OF AUTHORIZATION Intentional Take (14-INT-06)

ISSUED: June 15, 2014  
EXPIRES: October 31, 2014

BP Exploration (Alaska), Inc. (BPXA) is authorized to take by harassment (deterrence activities) small numbers of polar bears (*Ursus maritimus*) associated with activities occurring during BPXA's 2014 North Prudhoe Seismic Survey in the Beaufort Sea in accordance with sections 101(a)(4)(A), 109(h) and 112(c) of the Marine Mammal Protection Act of 1972 (MMPA), as amended.

BPXA proposes to conduct a three-dimensional (3D) ocean bottom sensor (OBS) seismic survey with a transition zone component on state and private lands, and federal and state waters in the Prudhoe Bay area of the Beaufort Sea during the open-water season of 2014. The project area lies mainly within the Prudhoe Bay Unit (PBU) but includes portions of the Northstar, Dewline, and Duck Island Units as and non-unit areas. A full description of activities can be found in your request for letters of authorization dated March 17, 2014. The proposed start date for this project is early July 2014, with operations completed by the end of August 2014.

Section 101(a)(4)(A) of the MMPA states that, "Except as provided in subparagraphs (B) and (C), the provisions of this chapter shall not apply to the use of measures-

- i. by the owner of fishing gear or catch, or an employee or agent of such owner, to deter a marine mammal from damaging the gear or catch;
- ii. by the owner of other private property, or an agent, bailee, or employee of such owner, to deter a marine mammal from damaging private property;
- iii. by any person, to deter a marine mammal from endangering personal safety; or

- iv. by a government employee, to deter a marine mammal from damaging public property, so long as such measures do not result in the death or serious injury of a marine mammal.”

Section 112(c) allows for the transfer of Federal authority “... as may be necessary to carry out the purposes of this title (Conservation and Protection of Marine Mammals)... and on such terms as he deems appropriate with any Federal or State agency, public or private institution, or other person.”

Section 109(h)(1) states that, “nothing in this title [Conservation and Protection of Marine Mammals]... shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) from taking, in the course of his or her duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for-

- A. the protection or welfare of the mammal,
- B. the protection of the public health and welfare, or
- C. the non-lethal removal of nuisance animals.”

The purpose of authorizing taking by Level B non-lethal harassment, or deterrence, is to maintain human and bear safety and welfare in polar bear habitat. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

- Prevent bears from associating food with humans and facilities.
- “Teach” bears to avoid people.
- Allow bears to use travel routes (natural and human made) to move along the coast.
- Prevent bears from extended use of areas around facilities.

This Letter of Authorization (LOA) is subject to the following conditions:

1. This LOA is restricted to Level B non-lethal harassment or deterrent activities.
2. The BPXA “*Polar Bear Interaction Plan for the Operating Units – Revision Date: September 26, 2011*” and “*ATTACHMENT II, Polar Bear (and Walrus) Interaction and Mitigation Plan for North Prudhoe OBS Seismic Survey*” are approved and all interaction, mitigation measures, and provisions must be complied with unless specifically noted otherwise in this LOA.
3. BPXA operations managers, or designates, must be fully aware, understand, and be capable of implementing the conditions of this authorization.
4. This authorization is valid only for those activities and locations identified in the request for a Letter of Authorization dated March 17, 2014, for the Beaufort Sea and described in the “*Request for Letters of Authorization Pursuant to 50 CFR 18, Subpart J and Section 101(A)(S) and Sections 101 (a)(4)(A), 109(h), and 112(c) of the Marine Mammal Protection*

*Act (MMPA) for Incidental Take of Polar Bears and the Pacific Walrus and Take by Harassment (Deterrent Activities) of Polar Bears during 2014 North Prudhoe CBS Seismic Survey.”*

5. This LOA is issued specifically to BPXA who is responsible for ensuring **trained and qualified** personnel are assigned the task to harass (deter) polar bears. A list of trained personnel responsible for deterrence will be on file prior to initiation of activities with the Service Incidental Take Coordinator.
6. BPXA is solely responsible for ensuring that personnel operating under this authorization meet all Federal and State laws and regulations regarding the use and carry of firearms, should firearms be used for bear deterrence.
7. BPXA, or its designated agent, is responsible for documenting and reporting to the U.S. Fish and Wildlife Service (Service), Marine Mammals Management Office (MMM), at (907) 786-3800, all instances involving harassment activities as soon as possible and no later than 24 hours after the occurrence.
8. Harassment or deterrence techniques must not cause injury or death of a bear. Types of harassment or deterrence techniques may include, but are not limited to:
  - Bear monitors.
  - Air horns.
  - Electric fences.
  - Chemical repellents.
  - Acoustic recordings.
  - Vehicles.
  - Projectiles, such as, cracker shells, bean bags, rubber bullets, and screamers.
9. Prior to conducting a harassment activity, operators must:
  - Make a reasonable effort to reduce or eliminate attractants.
  - Secure site, notify supervisor and move personnel to safety.
  - Ensure bear has escape route(s).
  - Ensure communication with all personnel.
10. When conducting a harassment activity, operators must:
  - Keep in mind that the safety and welfare of the bear is second only to the safety and welfare of humans in a harassment or deterrence situation.
  - Choose the method that will have the least effect on the bear and increase the intensity of the method or use additional methods only if necessary.
  - Shout at the bear before using projectiles or other methods (avoidance conditioning).
  - Move the bear in proper direction; continue with minimally necessary deterrents to receive desired result.

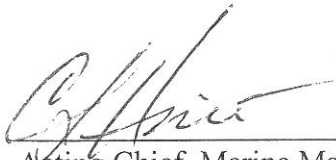
11. After a harassment event has occurred, operators must:

- Monitor the bear's movement (to ensure no return).
- Notify the supervisor and personnel when it is safe to resume work.
- Fill out a report to be sent to the Service as required above (within 24 hours).

12. A final report of all encounters and harassment or deterrence events will be submitted to the Service, MMM no later than 60 days from the expiration date of this authorization.

13. Any lethal take or injury of a polar bear must be reported to the Service immediately.

This Letter of Authorization is valid for the period indicated on this authorization, unless extended or terminated in writing by U.S. Fish and Wildlife Service, Marine Mammals Management Office.



Acting Chief, Marine Mammals Management

JUN 11 2014

Date